

NINTH DAY.

(Continued.)

(Wednesday, July 17, 1929.)

The House met at 2 o'clock p. m., and was called to order by Speaker Barron.

APPOINTMENT ANNOUNCED.

The Speaker announced the appointment of W. K. Hopkins in place of Adrian Pool on the Oklahoma Boundary Line Committee.

EXPRESSING APPRECIATION FOR PRAYERS OFFERED IN SENATE BY MEMBERS OF THE HOUSE.

The Speaker laid before the House and had read the following Senate resolution:

Senate simple resolution No. 8.

By Lieutenant Governor Miller and Senator Woodward:

Whereas, During the absence of our Chaplain, the Rev. W. H. Doss, the Revs. Forbes, Harper, Wiggs, Coltrin, Baker and Simmons, members of the House of Representatives, have each successively acted as Chaplains of the Senate; and

Whereas, The members of the Senate desire to express their gratitude to them and each of them; therefore, be it

Resolved by the Senate of the State of Texas, That public appreciation and thanks are hereby expressed to the Revs. Forbes, Harper, Wiggs, Coltrin, Baker and Simmons for their services as Chaplains from time to time during this the Third Called Session of the Legislature of Texas.

BARRY MILLER,
President of the Senate.

I hereby certify that Senate simple resolution No. 8 was adopted unanimously by the Senate on July 16, 1929.

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, July 17, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 23, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax in counties having more than 31,000 and less than 32,000 inhabitants."

S. B. No. 29, A bill to be entitled "An Act to amend the special road law for Rockwall county."

The Senate has concurred in House amendments to Senate concurrent resolution No. 2 by a vote of 23 yeas and 0 nays.

Respectfully,
BOB BARKER,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 23, "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of those counties in Texas having more than 31,000 inhabitants and less than 32,000 inhabitants, as shown by the 1920 census, who are between the ages of twenty-one and forty-five years, etc., and declaring an emergency."

S. B. No. 22, "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House bill No. 120, passed by the First Called Session of the Forty-first Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Archer, Briscoe, Brooks, Jeff Davis, Chambers, Fort Bend, Goliad, Gray, Hutchinson, Jim Hogg, Leon, Live Oak, Montgomery, Polk, Marion, Potter, Panola, Runnels, San Jacinto, Shackelford, Shelby, Terrell, Throckmorton, Uvalde, Walker, Waller, Webb, Zapata and Zavala; and omitting from said article the language: "provided, that where there is an application to include an entire county there shall not be less than twelve freeholders from each justice precinct of said county as signers to the petition for election," and declaring an emergency."

S. B. No. 23, "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the

county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

S. B. No. 20, "An Act to withdraw from sale the surface and the mineral therein of all surveyed and unsurveyed public free school land, asylum land, river beds and channels, etc., and declaring an emergency."

S. B. No. 24, "An Act to correct the reference to Articles 6894 and 6895, in Section 14, Chapter 186, Acts of the Thirty-ninth Legislature, and making same refer to Articles 6984 and 6985; conferring authority on commissioners courts to acquire new or wider right of way or land for material or borrow pits; prescribing regulations relative thereto, and declaring an emergency."

S. B. No. 26, "An Act relating to and conferring certain power and authority upon any rural school district," etc.

S. B. No. 25, "An Act to create the 112th Judicial District of Texas, and declaring an emergency."

S. C. R. No. 2, Relating to printing Session Laws.

RELATING TO DEBRIS IN THE CAPITOL BUILDING.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6.

Whereas, It has been brought to the attention of the author of this resolution that there are deposited in and about the Capitol building great quantities of debris, broken-down, unused furniture and other inflammable materials, which add to the fire hazard in and around the building and in all probability to conditions which might breed disease, one of the particular fire hazards alluded to herein being the fact that there is, immediately above the ceiling of the Senate Chamber, and adjoining the wall of the Capitol building, a great quantity of unused furniture and other materials which the State Insurance Department has said increases the fire hazard greatly, and another specific example being the bad condition found upon examination by the State Health Department of the cold drink stand in the lobby of the Capitol building; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Board of Control be, and is hereby, authorized and directed to take and have

full charge and control of the matter of removing the fire hazards alluded to which are now or may hereafter be placed in or about this building without interference from any of the departments occupying space in the building and to store or dispose of such articles or materials in a manner that may seem to them proper; be it further

Resolved, That the State Health Officer inspect the Capitol building and State office building hereafter on or about the first day of each month, so as to determine whether or not there is anything in or about the buildings that would be detrimental to the health of the occupants and, if so, that he be hereby authorized and directed to abate same, and that in doing so he be given full authority to do any and all things necessary toward that end.

The resolution was read second time, and was adopted.

RELATING TO CERTAIN ROOMS IN CAPITOL.

Mr. Davis offered the following resolution:

Whereas, It is important that certain records and equipment in the Speaker's offices, in the Enrolling and Engrossing rooms, the reception room and in the Chief Clerk's office be left undisturbed; now, therefore, be it

Resolved, That the State Board of Control be, and is hereby, requested not to allow the above-mentioned rooms or offices to be used by any department of the State or for any purpose other than legislative work between now and the time that another session of the Legislature shall be held without the written permission of the Speaker.

The resolution was read second time, and was adopted.

TO RECALL RESOLUTION FROM THE GOVERNOR.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, Recalling House concurrent resolution No. 4.

Whereas, House concurrent resolution No. 4 has been passed by both houses and is now on the Governor's desk; and

Whereas, Such resolution has been improperly sent to the Governor's office; therefore, be it

Resolved by the Senate of Texas, the House concurring, That House concurrent resolution No. 4 be recalled from the Governor.

The resolution was read second time.

Mr. Keller raised a point of order on the resolution on the ground that the resolution has not been improperly sent to the Governor.

The Speaker sustained the point of order.

PROVIDING FOR POST-SESSION CLERICAL WORK.

Mr. Davis offered the following resolution:

Whereas, It is necessary that certain officers and employes perform certain duties in order to complete the work of their departments; now, therefore, be it

Resolved, That the following officers and employes be retained after the adjournment of this session, not to exceed the number of days herein specified, exclusive of Sundays:

The Chief Clerk, seven days, for the purpose of collecting and arranging all bills, resolutions and petitions in her possession and delivering the same to the Secretary of State, and to complete duties imposed upon her by resolutions heretofore adopted, and the secretary to the Chief Clerk, two days, to assist her.

The clerk to the Committee on Contingent Expense, four days, for the purpose of checking and posting up accounts, mailing out vouchers and closing up the affairs of the Committee on Contingent Expense.

The Warrant Clerk shall be retained the number of days, not exceeding six days, necessary, in the judgment of the Speaker, to complete the posting of her books in the manner directed by the Speaker.

The mailing clerk and assistant mailing clerk, three days, for the purpose of mailing out House Journals not received from the printer until after sine die adjournment.

The voting machine operator, three days, for the purpose of cleaning up the voting machine.

The secretary to the Speaker, one day, to assist him in winding up the affairs of his office.

The Sergeant-at-Arms, five days, and the bookkeeper to the Sergeant-at-Arms for six days, the storekeeper and clerk to the Sergeant-at-Arms, one day each, and they shall be charged with the duty of arranging for publication in the Journal of such stationery and supply accounts as are now required to be published, or which have been ordered published by the House; also the expense account for the stationery and supplies

for each member or officer of the Second and Third Called Sessions. The Sergeant-at-Arms shall collect all supplies and stationery left over and remaining, which shall be locked in the Sergeant-at-Arms' room for use at future sessions. The Sergeant-at-Arms may retain three porters for three days and two porters for two days.

The superintendent of the Hall and one porter shall be retained for the full period between the adjournment of this session and the time the next session shall be held, and they shall act as custodian and caretaker, respectively, for the Hall of the House of Representatives and connecting rooms.

That each employe mentioned and so retained shall receive the same amount of salary as received for like work during the session, to be paid out of the mileage and per diem fund of the House, exclusive of Sundays, of the Second and Third Called Sessions of the Forty-first Legislature, and the amount to be paid by warrants to be signed by the Speaker and the Chief Clerk of the House.

The Journal Clerk and his assistant shall be retained not to exceed ninety days, exclusive of Sundays, for the purpose of correcting and indexing and the supervision of the publication of the Journals of the House of Representatives of the Regular, First, Second and Third Called Sessions of the Forty-first Legislature, and shall receive the same salary as received during the sessions.

The resolution was read second time, and was adopted.

RELATIVE TO AFFAIRS OF THE COMMITTEE ON APPROPRIATIONS.

Mr. Davis offered the following resolution:

Whereas, There is considerable work that should be done in connection with winding up the affairs of the Committee on Appropriations; now, therefore, be it

Resolved, That the chairman of said committee be requested to remain in Austin for as many days as are necessary, not to exceed seven, to wind up the affairs of said committee, and that he be allowed his actual and necessary expenses, to be paid out of the contingent expense fund of the House in the usual manner.

Signed—Davis, McGill, Sanders.

The resolution was read second time, and was adopted.

ADJOURNMENT.

On motion of Mr. Keller, the House, at 3:30 o'clock p. m., adjourned until 11:30 o'clock a. m. next Saturday.

APPENDIX.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, July 17, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of those counties in Texas having more than 31,000 inhabitants and less than 32,000 inhabitants, as shown by the 1920 census, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax; providing a penalty for failure to pay said tax; and repealing all laws in conflict therewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

TEXT OF SENATE BILL NO. 19.

On motion of Mr. Pool, the following bill was ordered printed in the Journal:

S. B. No. 19. By Love.

A BILL

To Be Entitled

"An Act providing for a system of insuring public school property through the State Insurance Commission; providing the necessary means, funds and regulations to that end, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter every school district in this State shall insure its property against loss by fire, tornado and storm as provided in this act. The State Insurance Commission shall operate and administer an insurance bureau to be known as the State school insurance bureau. Said Commission shall promulgate rules and regulations necessary to carry out the provisions of this act and shall issue insurance policies to the va-

rious school districts upon the payment of the premiums by such districts and compliance with the rules of the Commission, and shall pay losses under such policies as they occur upon such proof of loss as shall be required by the Commission.

Sec. 2. Each school district shall insure its property with the Commission in an adequate amount, said amount to be determined by the Commission upon information furnished in the application, not to exceed in any event four-fifths of the value of the property insured. Each school district shall pay to the Commission for such insurance such amount, annually or semi-annually, as may be required by the Commission.

Sec. 3. In event any school district fails or refuses to take out such insurance as may be required by the Commission, or fail or refuse to pay the premiums as they fall due under the policy and rules of the Commission, in either event the Commission shall notify the State Board of Education and thereupon the next and subsequent allotments of State available school fund shall be withheld from such district until said insurance is taken out and said premiums paid by the district.

Sec. 4. The premiums collected by the Commission shall, when collected, be placed in the State Treasury and shall be kept as a separate fund to be known as the State school insurance fund. Losses shall be paid from said fund as they occur. Salaries and expenses incurred in administering this act shall also be paid out of said fund. Said insurance shall be furnished at actual cost as nearly as may be. All losses incurred under policies shall be paid out of said fund and the State shall in no event be responsible for the payment thereof out of any other fund.

Sec. 5. The sum of twenty-five thousand dollars is hereby appropriated out of the State Treasury from the general revenue fund to be set aside to said insurance fund and used for the purpose of said fund until a sufficient amount of premiums has been collected, at which time said amount shall be returned to the general revenue fund. The Commission shall determine when the fund has reached such proportions as to permit of a return of said amount of the general revenue. The Commission shall employ such help, print such forms and incur such expenses as may be necessary to administer this act.

Sec. 6. Provided, that any school district may carry an adequate amount of fire and tornado insurance on its

property with any company authorized to transact business in Texas, and the Commission may issue a permit to such district and it need not insure its property with the Commission during the life of such policies. But at the expiration of such policies such district shall renew such insurance or shall insure with the Commission under this act. Where any district has an adequate amount of insurance against fire and tornado, the district shall take an additional amount with the Commission so that the district shall have at all times an adequate amount as required by the Commission. Each school district shall furnish full information to the Commission whether it has insurance on its property or not, to the end that the Commission shall determine the amount of insurance to be taken out by the school district. The decision of the Commission shall be final as to such amount.

Sec. 7. The term "school district" as used in this act means any school district in the State, whether common or independent, and also any city or town having charge of its schools.

Sec. 8. The fact that school buildings and property in this State are in many instances uninsured and in other inadequately insured, and the further fact that it will be more economical to provide insurance in the manner herein provided than in private concerns, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1.

Amend Senate bill No. 19 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Hereafter every school district in this State shall insure its property against loss by fire, tornado, windstorm and hail as provided in this act. The Board of Insurance Commissioners shall operate and administer a division to be known as the State school insurance division. Said Board shall promulgate rules and regulations necessary to carry out the provisions of this act.

Sec. 2. Each school district shall insure its property with an insurance carrier or carriers authorized to write such business in Texas, acceptable to the Board, in an adequate amount to be determined by the Board upon informa-

tion furnished on inspection reports required by the Board, not to exceed 100 per cent of the value of the property to be insured.

Sec. 3. In event any school district fails or refuses to take out such insurance as may be required by the Board, or fail or refuse to pay the premiums as they fall due under the policies and rules of the Board by November 1st, noon, of each year, then the Board is hereby authorized to enter into a contract or contracts with any insurance carrier or carriers authorized to write such business in Texas, to protect such property with the proper amount of insurance, and the State Board of Education shall deduct the amount of such premiums from the next and subsequent allotment of State available school funds. It is further provided that the State Board of Education shall be made parties at interest in all policies and cancellation of such policies by the trustees of the school district shall not be effected without notice to and permission of said Board.

Sec. 4. The sum of five thousand dollars is hereby appropriated for the year ending August 31st, 1930, and a like sum for the year ending August 31st, 1931, out of the State Treasury from the general revenue fund to defray the expense of carrying out the provisions of this act. The Board shall employ such help, print such forms and incur such expenses as may be necessary to administer this act.

Sec. 5. Where any district has an inadequate amount of insurance against fire, tornado, windstorm and hail, the district shall take an additional amount, so that the district will have at all times an adequate amount as required by the Board. Each school district shall furnish full information to the Board whether it has insurance on its property or not, to the end that the Board shall determine the amount of insurance to be taken out by the school district. The decision of the Board shall be final as to such amount.

Sec. 6. The term "school district" as used in this act means any school district in the State, whether common or independent, and also any city or town having charge of its schools. The term "Board" means the Board of Insurance Commissioners of Texas.

Sec. 7. Immediately upon this act becoming effective, and annually thereafter, the Board shall obtain from each school district, upon blanks prepared and furnished by the Board, a statement

showing the description of all its school property, the amount of insurance carried thereon, the name and address of the carrier, the expiration thereof, the premium thereon and such other information as may be deemed desirable; and on or before January 1st, 1931, and annually thereafter, the Board shall report to the Governor all the facts shown by such annual statements of the various school districts.

Sec. 8. If any school district in this State shall maintain a system of carrying its own insurance by setting aside a special fund therefor under terms and conditions which satisfy the Board, that it adequately protects such district against loss by fire, tornado, windstorm and hail, such district shall not be required to carry other insurance protection as provided in this act.

Sec. 9. The fact that school buildings and property in this State are in many instances uninsured and in others inadequately insured, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend the caption of Senate bill No. 19 to conform to the contents in the body of the bill.

TENTH DAY.

(Saturday, July 20, 1929.)

The House met at 11:30 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Giles.

The roll was called and developed the fact that there was not a quorum present.

COMMUNICATION FROM SPEAKER BARRON.

Mr. Giles laid before the House and had read the following communication:

Austin, Texas, July 17, 1929.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives.

Dear Madam: This statement authorizes the Hon. Eugene Giles of Travis county to open the House on Saturday,

July 20, 1929, and to act as Speaker pro tempore during my absence.

Very truly yours,

W. S. BARRON,

Speaker of the House of Representatives.

TO NOTIFY GOVERNOR AND SENATE.

Mr. Davis offered the following resolution:

Be it resolved by the House, That the Speaker appoint two committees of three members each, one to notify the Senate, the other the Governor, that the House has completed its business and is now ready to adjourn sine die.

In accordance with the provisions of the above resolution, the Speaker, by unanimous consent, appointed the following committees:

To notify the Governor: Messrs. Davis, Forbes, Magee, Adkins and Olsen.

To notify the Senate: Messrs. Tillotson, Williams of Travis, Graves of Williamson and Shelton.

PRAYER BY REV. B. J. FORBES.

By invitation of the Speaker, prayer was offered by Rev. B. J. Forbes, a member of this House.

ADJOURNMENT SINE DIE.

On motion of Mr. Tillotson, and in accordance with concurrent action of the two houses heretofore taken, the House, at 12 o'clock m., adjourned sine die.

APPENDIX.

REPORT OF SERGEANT-AT-ARMS.

Austin, Texas, July 22, 1929.

Hon. John E. Davis, Chairman Contingent Expense Committee, House of Representatives, Third Called Session, Forty-first Legislature.

Sir: The following are statements of stamp and supply accounts for the Third Called Session, Forty-first Legislature.

STAMP ACCOUNT.

From Second Called Session...	\$ 412.23
Bought during the Session....	1,700.00

Total	\$2,112.23
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Disbursed to—

Members	\$1,790.41
Journal Clerk	100.00